

blending the plurality of base paints in said blending device according to a predetermined ratio to form the secondary paint having the hue and chroma previously selected;

delivering the secondary paint to an applicator; and
applying the secondary paint received from said blending device to a product.

REMARKS

Claims 12 - 18 and 29 - 36 remain in the application.

Claims 1 - 11 and 19 - 28 have been cancelled.

Claims 12 - 18 and 29 - 36 stand rejected under 35 U.S.C. 102 (a) as being anticipated by United States Patent No. 4,723,712 Egli et al.

Claims 12 - 18 and 29 - 36 stand rejected under 35 U.S.C. 103 (a) as being obvious over Egli et al.

Egli et al. discloses a variable colorant blender for use with a airbrush for applying colorants or dies. A control box 16 has slides 41 operably connected to bags 11 holding colorants. The slides 41 are simultaneously adjusted with one hand while operating an airbrush (A) with the other hand to provide various combinations of the colorants or dies.

Claim 12 has been amended to include the further step of providing a controller programmable to determine a color associated with the selected hue and chroma. Claim 12 has further been amended so that the step of delivering the plurality of base paints is further defined by delivering the base paints in a ratio determined by the controller to produce a secondary paint having a color associated with the selected hue and chroma. Support for this limitation can be found throughout the specification and at paragraph 18.

Claim 29 has been amended to include the further step of selecting a hue and chroma from a color chart “disclosed at a remote location” in combination with providing a controller programmable to determine a color associated with the selected hue and chroma. Support for this limitation can be found throughout the specification and at paragraph 18.

Egli et al. fails to disclose a method of painting a product wherein a hue and chroma are selected and signaled to a controller to determine a paint formulation associated with the hue and chroma. Because Egli et al. fails to disclose this step, Egli et al. fails to disclose each and every element recited in independent claim 12. Therefore, Applicant respectfully submits that independent claim 12 is patentable over Egli et al. Because defendant claims 13 - 18 include each and every limitation recited in independent claim 12, claims 13 - 18 are also believed to be allowable over Egli et al.

Egli et al. also fails to disclose selecting a hue and chroma from a color chart disposed at a remote location. Therefore, independent claim 29 is also believed to be allowable over Egli et al. Because dependent claims 30 - 36 include each and every limitation set forth in claim 29, claims 30 - 36 are also believed to be allowable over Egli et al.

Accordingly, it is respectfully submitted that the Application, as amended, is now presented in condition for allowance, which allowance is respectfully solicited. Further and favorable reconsideration of the outstanding Office Action is hereby requested.

Although it is believed that no fee is due for the filing of this Amendment, the Commissioner is authorized to charge our Deposit Account No. 08-2789 for any additional fees or credit the account for any overpayments regarding this Amendment.

Attached hereto is a marked-up version of the changes made to the claims by the current Amendment. The attached page is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE."

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Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that the attached Amendment is being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to the Mail Stop Non-Fee Amendment, Assistant Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.



Tracy L. Smith

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

12. (Amended) A method of painting a product in a production painting facility comprising the steps of:

selecting a hue and a chroma;

providing a controller programmable to determine a color associated with said selected hue and chroma;

[selecting a chroma corresponding to the hue;]

providing a production painting facility with a plurality of base paints mixable to constitute a secondary paint [having any selected hue and chroma] thereby producing said color associated with said hue and chroma;

providing a blending device for blending the plurality of base paints;

delivering the plurality of base paints to said blending device in a ratio determined by said controller to produce said secondary paint having a color associated with the hue and chroma;

blending the plurality of base paints in said blending device according to a predetermined ratio determined by said controller to form the secondary paint having the hue and chroma previously selected;

delivering the secondary paint to an applicator; and

applying the secondary paint received from said blending device to a product.

29. (Amended) A method of painting a product in a production painting facility comprising the steps of:

selecting a hue and a chroma corresponding to the hue from a color chart disposed at a remote location;

providing a controller programmable to determine a color associated with said selected hue and chroma and signaling said controller from the remote location;

providing a production painting facility with a plurality of base paints mixable to constitute a secondary paint having a color derived from an unlimited combination of hues and chromas;

providing a blending device for blending the plurality of base paints;

delivering the plurality of base paints to said blending device in a ratio determined by said controller to produce said secondary paint having a color associated with the hue and chroma;

blending the plurality of base paints in said blending device according to a predetermined ratio to form the secondary paint having the hue and chroma previously selected;

delivering the secondary paint to an applicator; and applying the secondary paint received from said blending device to a product.